

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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MICHAEL JOSEPH ORDONEZ,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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OPINION AND ORDER

17-cv-817-wmc

Petitioner Michael Joseph Ordonez, a federal prisoner incarcerated at the Federal Correctional Institution in Oxford, Wisconsin, seeks post-conviction relief pursuant to 28 U.S.C. § 2241. Ordonez pled guilty in the District of South Dakota to the charge of felon in possession of a firearm, in violation of 18 U.S.C. § 922(g). On January 25, 2016, the court ordered Ordonez to serve 46 months in prison and three years of supervised release. In his petition to this court, Ordonez seeks to challenge the Bureau of Prison's ("BOP") October 2017 decision regarding his Residential Re-Entry Center ("RRC") placement. This petition is before the court for preliminary review pursuant to Rule 4 of the Rules Governing Section 2254 Cases, which applies to petitions not brought under § 2254. *See* Rule 1(b), Rules Governing Section 2254 Cases.

Based on the court's review of Ordonez's criminal proceedings and the Federal Bureau of Prison's inmate locator, it appears that he has been released from confinement because the BOP has reconsidered its decision and permitted him to live in a halfway house starting in April of 2018. *See United States v. Ordonez*, No. 4:15-cr-40088-KES, dkt. #48

(D.S.D. Jan. 31, 2018); <https://www.bop.gov/inmateloc> (last visited June 1, 2018). As such, it appears that this petition must be dismissed as moot. However, before dismissal, the court will give Ordonez the opportunity to correct the court and explain why he may still be entitled to relief under § 2241, which requires a showing that he is currently in custody in violation of the Constitution or the laws of the United States.

#### ORDER

IT IS ORDERED that petitioner Michael Joseph Ordonez's has until June 15, 2018, to show cause as to why this petition is not moot. Failure to respond by that date will result in dismissal of this action.

Entered this 4th day of June, 2018.

BY THE COURT:

/s/

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WILLIAM M. CONLEY  
District Judge